

City Hall, Lodi, Cal., June 2, 1919.

In regular session of the Board of Trustees of the City of Lodi, there were present Trustees Black, Hale, Crose, Montgomery and Morehead.

Minutes of the previous meeting were read and approved.

The following building permits were granted:

J. A. Hedberg, poultry house, lot 1, Barnhart Tract.  
W.W. Gilbeau, private garage, lot 1, block 14, City of Lodi.  
C. T. Jansen, dwelling cor Tokay St. and Cherokee Lane.  
Mrs. A.V. Merrill, addition to dwelling, 425 S. Sacramento St.

The City Marshal's report for the month of May was read and ordered filed.

This being the time set for hearing protests in the matter of improvement of Lodi Avenue, as provided for in resolution of intention No. 20, adopted by the Board of Trustees the 12th day of May, 1919, A. L. Levinsky, attorney for protestants, filed the following protest:

"To the Honorable, the Board of Trustees of the City of Lodi:

The undersigned, CENTRAL PACIFIC RAILWAY COMPANY, SOUTHERN PACIFIC COMPANY and WALKER D. HINES, Director General of Railroads, hereby protest:

1 - Against the proposed work described in Resolution of Intention No. 20 of the City of Lodi; and

2 - Against the extent of the assessment district provided therefor.

This protest is made upon the ground that the present cost of said work is extraordinary and excessive and far above what the normal cost thereof would be in normal times.

This protest is made upon the further ground that none of the railroad properties owned, controlled or operated by the undersigned, included within the assessment district above referred to, could, under any circumstances, or in any wise, be benefitted by the proposed work; that the proposed proceedings, in so far as they purport to impose any lien or charge against the properties of the undersigned above referred to, to pay for said work, are illegal, void and unenforceable as to the undersigned, by reason of technical defects therein and by reason of the provisions of the Act of Congress, approved March 21, 1918, under which said railroad properties are being operated by, and are in possession and control of, the Director General of Railroads and the United States Railroad Administration, and that said properties are exempt from taxation.

WHEREFORE, the undersigned respectfully pray that said proceedings be discontinued, or that said proceedings be amended in so far as they seek to impose any portion of the expense thereof upon said railroad properties.

Dated June 2, 1918.

Arthur L. Levinsky,  
Attorney for Protestants.

CENTRAL PACIFIC RAILWAY COMPANY,  
By Paul Shoup, President.  
SOUTHERN PACIFIC COMPANY,  
By Paul Shoup, Vice President.  
WALKER D. HINES, Director General  
of Railroads.  
By J. H. DYER, Assistant General  
Manager.

Consideration of the above matter and protest was continued for further hearing and action to Monday, June 9, 1919.

The Board on motion of Trustee Montgomery, seconded by Trustee Crose, ordered a one-half page ad for the Municipal Baths to be inserted in the 1919 Tokay, the Lodi High School Annual.

Trustee Montgomery moved, seconded by Trustee Crose, that a "Diagram indicating by boundary line the extent of territory to be included in a district to be assessed for the improvement provided for by Resolution of Intention to be numbered 22," presented by City Engineer Barzellotti, be approved and adopted and the president of the Board be authorized to endorse such approval thereon, which motion was adopted by unanimous vote of the Board.

## RESOLUTION OF INTENTION NO. 22

RESOLVED, That it is the intention of the Board of Trustees of the City of Lodi, in the County of San Joaquin, State of California, to order the following work to be done and improvement to be made in said City of Lodi, to-wit:

That Sacramento Street, in said City of Lodi, from the South line of Lockeford Street to the City Limits on the North.

### BE IMPROVED:

(1) By grading the roadway and the curb and gutter spaces of said portion of Sacramento Street.

(2) By constructing hydraulic concrete curbs and gutters of the combined type along each side of the roadway of said portion of said Sacramento Street.

(3) By paving the roadway of said portion of said Sacramento Street, between the gutter lines, with a pavement consisting of one and one-half (1½) inches of Warrentite Wearing Surface, laid on an asphaltic concrete base three and one-half (3½) inches in thickness.

Excepting, however, from all of the hereinabove described work such portion as is required by law to be kept in order or repair by any person or company having railroad tracks thereon; and excepting also from all of the hereinabove described work, any of said work already done to the official grade.

All of said work shall be done in accordance with the plans and specifications heretofore adopted for doing said work and now on file in the office of the City Clerk of said City of Lodi.

Attention is also called to the Warrentite License Mixture Agreement for California, executed by Warren Brothers company, March 3, 1919, the owner and holder of the patents and processes covering the said Warrentite pavement, which agreement is on file in the office of the City Clerk, and is hereby expressly referred to for greater certainty.

And said Board of Trustees does hereby determine and declare that said proposed work and improvement is of more than local or ordinary public benefit, and will affect and benefit the lands and district hereinafter described, which said district is here-

by declared to be the district benefited by said work and improvement, and to have the exterior boundaries hereinafter described, as the boundaries thereof; that therefore, the entire cost and expenses of said work and improvement shall be, and are hereby made, chargeable against, and shall be assessed upon said lands and district, which district is within the City of Lodi, County of San Joaquin, State of California, and is particularly bounded and described as follows, to-wit:

Commencing at the intersection of the South line of Lockeford Street, in the City of Lodi, with the West line of the right of way of the Southern Pacific Railroad Company and running thence northerly and along said West line of right of way to its intersection with the line of the City Limits on the North, such line being the Easterly production of the South line of Louie Avenue; thence Westerly along said City Limits line to the Northwest corner of Lot Fourteen (14), Block Two (2) of the Sanguinetti Addition to Lodi, as per Map thereof, recorded on April 8th, A. D. 1919, in the office of the County Recorder of the County of San Joaquin; thence southerly along the east line of the alley running North and South through said Block and its production to the intersection of the same with the South line of Lockeford Street; thence Easterly along said South line to the point of beginning;

Provided, nevertheless, that the streets, avenues and alleys situate within said district shall be omitted from any assessment made or levied for paying the costs and expenses of the above mentioned work and improvement, the said streets, avenues and alleys belonging to said city, and being in use for the performance of a public function, to-wit, in use as public streets, avenues and alleys.

The extent of the territory to be included in said assessment district is indicated by a boundary line upon a diagram entitled "Diagram Indicating by Boundary Line the Extent of Territory to be Included in the District to be Assessed for the Improvement Provided for by Resolution of Intention to be Numbered 22," which said Diagram was approved by the Board of Trustees of said City of Lodi, on the 2nd day of June, A. D. 1919, reference to which Diagram is hereby made for greater certainty.

And it is further ordered and notice is hereby given that serial bonds to

represent unpaid assessments, and bear interest at the rate of seven per cent (7%) per annum, will be issued hereunder in the manner provided by the Improvement Bond Act of 1915, and Acts Amending thereto, the last installment of which bonds shall mature nine years from the 2nd day of July, next succeeding nine months from their date.

This Resolution of Intention is adopted pursuant to the provisions of those certain Acts of the Legislature of the State of California, designated respectively as the "Improvement Act of 1911," and the "Improvement Bond Act of 1915" and Acts Amending thereto and future proceedings hereunder shall be taken and had in accordance with the provisions of said Acts.

NOTICE IS HEREBY GIVEN, that on Monday, the 23rd day of June, A. D. 1919, at 8 o'clock P. M. in the Council Chamber of the said Board of Trustees, in the City Hall of said City of Lodi, any and all persons having any objection to the proposed work or improvement, may appear before said Board and show cause why said proposed improvement should not be carried out in accordance with this Resolution.

The Clerk of this Board of Trustees is hereby directed to cause this Resolution of Intention to be published three times in "The Lodi Sentinel," a tri-weekly newspaper published and circulated in said City and hereby designated for that purpose by the Board of Trustees; said newspaper being the official newspaper of said City of Lodi.

The Superintendent of Streets shall cause to be conspicuously posted along the line of said contemplated work and improvement and in front of all the property liable to be assessed, notice of the passage of this Resolution of Intention, in the manner and form required by law.

F. O. HALE,

Adopted this 2nd day of June, A. D. 1919, by the following vote:

Ayes—Trustees F. O. Hale, J. S. Montgomery, J. D. Crose, W. A. Morehead and C. A. Black.

Noes—None.

Absent—None.

Attest:

H. S. CLARK,

City Clerk.

Approved this 2nd day of June, A. D. 1919.

C. A. BLACK,  
President of the Board of Trustees of  
the City of Lodi, California. 6-10

Upon motion of Trustee Hale, seconded by Trustee Montgomery, the foregoing resolution No. 22 was adopted by the vote as printed above.

Bills amounting to \$4694.99 were allowed and ordered paid.

Upon motion of Trustee Montgomery, seconded by Trustee Morehead the Board of Trustees adjourned to meet again at 8 o'clock p. m., Monday, June 9th, 1919.

Attest:

*H. S. Clark*  
City Clerk.